

**FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, *et al.*,

Plaintiffs,

- vs -

XCENTRIC VENTURES, LLC.,  
*et al.*,

Defendants.

Civil No.:  
4:16-cv-00179-HCM-DEM  
4:17-cv-00012-HCM-RJK

**XCENTRIC VENTURES, LLC'S  
ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

For its answer to Plaintiff's First Amended Complaint, Xcentric Ventures, LLC  
("Xcentric") states as follows:

**NATURE OF THE ACTION**

1. Xcentric admits the allegations in Paragraph 1.
2. Xcentric denies the allegations in Paragraph 2.
3. Xcentric denies the allegations in Paragraph 3.
4. Xcentric denies the allegations in Paragraph 4.
5. Xcentric admits that plaintiffs' lawsuit seeks damages but denies that plaintiffs are entitled to damages. Xcentric denies any remaining allegations in Paragraph 5.
6. Xcentric admits that plaintiff John Pitman is a citizen of the Commonwealth of Virginia residing in Williamsburg, Virginia and that he is a medical doctor and an Army reservist. Xcentric lacks sufficient information to admit or deny the remaining allegations in Paragraph 6.

7. Xcentric lacks sufficient information to admit or deny the allegations in Paragraph 7.

8. Xcentric admits that Tracy Richter was convicted of murder and is serving a life sentence in the Iowa Correctional Institution for Women. Xcentric denies any remaining allegations in Paragraph 8.

9. Xcentric admits that Anna Richter is Tracy Richter's mother and resides in Urbandale, Iowa. Xcentric lacks sufficient information to admit or deny any of the remaining allegations in Paragraph 9.

10. Xcentric admits that Bert Pitman is the son of Tracy Richter and resides in the State of Iowa. Xcentric lacks sufficient information to admit or deny any of the remaining allegations in Paragraph 10.

11. Xcentric admits that it is an Arizona Limited Liability Company with its principle place of business in Arizona and that it runs the [www.ripoffreport.com](http://www.ripoffreport.com) website which is accessible in the Commonwealth of Virginia. Xcentric denies the remaining allegations in Paragraph 11.

12. Xcentric denies that Meade was paid to generate content for the Ripoff Report and that Meade was ever an employee or agent of Xcentric. Xcentric lacks sufficient information to admit or deny the remaining allegations in Paragraph 10.

13. Xcentric admits that Magedson is an Arizona resident and that Magedson founded Ripoff Report in or about 1997 and denies the remaining material allegations in Paragraph 13.

#### **JURISDICTION AND VENUE**

14. Xcentric denies the allegations in Paragraph 14.

15. Xcentric denies the allegations in Paragraph 15.

## FACTS

16. Xcentric admits the allegations in Paragraph 16.

17. Xcentric admits that Ripoff Report allows users to post anonymously and that the user must affirm the post is truthful and accurate. Xcentric denies the remaining allegations in Paragraph 17.

18. Xcentric admits the allegations in Paragraph 18.

19. Xcentric admits the allegations in Paragraph 19.

20. Xcentric admits that it has several revenue streams and that its fees and costs for services vary. Xcentric denies the remaining allegations in Paragraph 20.

21. Xcentric denies the allegations in Paragraph 21.

22. The Ripoff Report website speaks for itself.

23. Xcentric admits that it has employees and denies the remaining allegations in Paragraph 23.

24. Xcentric denies the allegations in Paragraph 24.

25. Xcentric denies the allegations in Paragraph 25.

26. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 26.

27. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 27.

28. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 28.

29. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 29.

30. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 30.
31. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 31.
32. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 32.
33. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 33.
34. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 34.
35. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 35.
36. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 36.
37. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 37.
38. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 38.
39. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 39.
40. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 40.

41. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 41.
42. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 42.
43. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 43.
44. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 44.
45. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 45.
46. Xcentric denies the allegations in Paragraph 46, except admitting that Meade did at some time forge a relationship with Magedson.
47. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 47.
48. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 48.
49. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 49.
50. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 50.
51. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 51.

52. Xcentric denies that Bert Pitman took any action at its direction. Xcentric lacks sufficient knowledge to admit or deny the remaining allegations in Paragraph 52.

53. Xcentric denies the allegations in Paragraph 53.

54. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 54.

55. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 55.

56. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 56.

57. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 57.

58. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 58.

59. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 59.

60. Xcentric denies the allegations in Paragraph 60.

61. Xcentric denies the allegations in Paragraph 61.

62. Xcentric denies the allegations in Paragraph 62.

63. Xcentric denies the allegations in Paragraph 63.

64. Xcentric denies the allegations in Paragraph 64.

65. Xcentric admits that posts about the Richter murder case appeared on the Ripoff Report website but denies the remaining allegations in Paragraph 65.

66. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 66.

67. Xcentric denies the allegations in Paragraph 67.

68. Xcentric denies the allegations in Paragraph 68.

69. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 69.

70. Xcentric denies any participation in the alleged scheme to post false and defamatory information, and lacks sufficient knowledge to admit or deny the remaining allegations in Paragraph 70.

71. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 71.

72. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 72.

73. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 73.

74. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 74.

75. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 75.

76. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 76.

77. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in Paragraph 77.

78. Xcentric denies the allegations in Paragraph 78.
79. Xcentric denies the allegations in Paragraph 79.
80. Xcentric denies the allegations in Paragraph 80.
81. Xcentric denies the allegations in Paragraph 81.
82. Xcentric denies the allegations in Paragraph 82.
83. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 83.
84. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 84.
85. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 85.
86. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 86.
87. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 87.
88. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 88.
89. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 89.
90. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 90.
91. Paragraph 91 states a legal conclusion to which no response is required. To the extent a response is required, Xcentric denies the allegations in Paragraph 91.



92. Xcentric denies the allegations in Paragraph 92.
93. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 93.
94. Xcentric denies the allegations in Paragraph 94.
95. Xcentric denies the allegations in Paragraph 95.
96. Xcentric denies the allegations in Paragraph 96.
97. Xcentric denies the allegations in Paragraph 97.
98. Xcentric lacks sufficient knowledge to admit or deny the allegations in Paragraph 98.
99. Xcentric denies the allegations in Paragraph 99.
100. Xcentric denies the allegations in Paragraph 100.
101. Xcentric denies the allegations in misnumbered Paragraph 99.
102. Xcentric denies the allegations in misnumbered Paragraph 100.
103. Xcentric denies the allegations in misnumbered Paragraph 101.
104. Xcentric denies the allegations in misnumbered Paragraph 102.
105. Xcentric denies the allegations in misnumbered Paragraph 103.
106. Xcentric denies the allegations in misnumbered Paragraph 104.
107. The Ripoff Report post speaks for itself. Xcentric denies any remaining allegations in misnumbered Paragraph 105.
108. Xcentric denies the allegations in misnumbered Paragraph 106.
109. Xcentric admits the allegations in misnumbered Paragraph 107.

**COUNT I  
(TORTIOUS INTERFERENCE)**

110. (Misnumbered Paragraph 108) Xcentric hereby incorporates by reference its answers as set forth above.

111. Xcentric lacks sufficient knowledge to admit or deny the allegations in misnumbered Paragraph 109.

112. Xcentric denies the allegations in misnumbered Paragraph 110.

113. Xcentric denies the allegations in misnumbered Paragraph 111.

114. Xcentric denies the allegations in misnumbered Paragraph 112.

115. Xcentric denies the allegations in misnumbered Paragraph 113.

116. Xcentric denies the allegations in misnumbered Paragraph 114.

117. Xcentric denies the allegations in misnumbered Paragraph 115.

118. Xcentric denies the allegations in misnumbered Paragraph 116.

119. Xcentric denies the allegations in misnumbered Paragraph 117.

120. Xcentric denies the allegations in misnumbered Paragraph 118.

121. Xcentric denies the allegations in misnumbered Paragraph 119.

**COUNT II  
(COMMON LAW CONSPIRACY)**

122. (Misnumbered Paragraph 120) Xcentric hereby incorporates by reference its answers as set forth above.

123. Xcentric denies the allegations in misnumbered Paragraph 121.

124. Xcentric denies the allegations in misnumbered Paragraph 122.

125. Xcentric denies the allegations in misnumbered Paragraph 123.

126. Xcentric denies the allegations in misnumbered Paragraph 124.

127. Xcentric denies the allegations in misnumbered Paragraph 125.

128. Xcentric denies the allegations in misnumbered Paragraph 126.

129. Xcentric denies the allegations in misnumbered Paragraph 127.

130. Xcentric denies the allegations in misnumbered Paragraph 128.

131. Xcentric denies the allegations in misnumbered Paragraph 129.

**COUNT III  
(STATUTORY BUSINESS CONSPIRACY)**

132. (Misnumbered Paragraph 130) Xcentric hereby incorporates by reference its answers as set forth above.

133. Xcentric denies the allegations in misnumbered Paragraph 131.

134. Xcentric denies the allegations in misnumbered Paragraph 132.

135. Xcentric denies the allegations in misnumbered Paragraph 133.

136. Xcentric denies the allegations in misnumbered Paragraph 134.

137. Xcentric denies the allegations in misnumbered Paragraph 135.

138. Xcentric denies the allegations in misnumbered Paragraph 136.

139. Xcentric denies the allegations in misnumbered Paragraph 137.

140. Xcentric denies the allegations in misnumbered Paragraph 138.

141. Xcentric denies the allegations in misnumbered Paragraph 139.

**COUNT IV  
(DECLARATORY JUDGMENT)**

142. (Misnumbered Paragraphs 140-146) This Count has been dismissed.

**COUNT V  
(INJUNCTIVE RELIEF)**

143. (Misnumbered Paragraphs 147-155) This Count has been dismissed.

**AFFIRMATIVE DEFENSES**

For its affirmative defenses Xcentric Ventures, LLC states as follows:

1. Plaintiffs fail to state a claim upon which relief can be granted.

2. Plaintiffs lack jurisdiction.
3. Plaintiffs failed to mitigate their damages.
4. Plaintiffs' claims are barred by the statute of limitations.
5. Plaintiffs come with unclean hands.
6. Plaintiffs' claims are barred by Section 230 of the Communications Decency Act.

Dated: September 13, 2017

Respectfully submitted,

/s/ David A. Warrington

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*Counsel for Edward Magedson and  
Xcentric Ventures, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of September, 2017, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all authorized users.

/s/ David A. Warrington

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